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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,652

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Jonathon Reo Campian

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EXAMINER

SELLS, JAMES D

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,652	<b>Applicant(s)</b> CAMPIAN, JONATHON REO	
	<b>Examiner</b> James Sells	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-12, 22-27 and 31-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-12, 22-27, 31-43 and 45-48 is/are rejected.
- 7) ☒ Claim(s) 6 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 7-12, 22-27, 31-43 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foran (US Patent No. 5,554,252) in view of Reis et al (US Patent 5,800,661).

Foran discloses a method and apparatus for bonding two sheets together including a lower portion (82) for holding skin (44) and upper surface base (78) which contains a vacuum pads (66) for holding the reinforcement member (46). The vacuum pads have open space thereon which amounts to a recess channel, a fluid line, and a vacuum source. Foran includes: an alignment mechanism for the lower portion seen clearly in Figure 8; means for moving the upper surface to the lower portion; and several support shafts on the upper surface. Figure 7 shows an upper surface having a material-contacting area defined to substantially conform to a perimeter region of the first sheet material, said material-contacting area being laterally accessible in the manner claimed by the applicant. Fig. 7 also shows the plunger on the end of locator

(68) for contacting the sheet material, while Figure 9 of Foran shows the support (84) which engages with the second sheet.

However, Foran does not disclose the vacuum system with an elongated channel as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Reis.

Reis discloses a vacuum fixture for manipulating materials. As shown in Fig. 3, vacuum fixture 10 may comprise grooves 26 with apertures 28 which are fluidly connected to a vacuum manifold. These apertures may be dimensioned to any suitable shape such as elongated slots or circular apertures. See col. 6, lines 24-42.

It would have been obvious to one having ordinary skill in the art to substitute elongated vacuum slots or channels, as taught by Reis, for the vacuum pads of Foran in order to provide the predictable result of more precisely and reliably holding the materials.

Applicant is also reminded that “[e]xpressions relating the apparatus to contents thereof during an intended operation are of no significance in determining the patentability of the apparatus claim.” *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App 1969). Furthermore, “Inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims.” *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)). Applicant is advised that the concept of generating a downward clamping force sufficient to immobilized the first sheet material when subjected to a lateral force imparted during a hemming operation performed on the first sheet material relates to

intended operation which does not impart any additional structure to the vacuum system. The vacuum system of Foran in view of Reis as described above appears to have the same structure and is capable of functioning in the same manner as that claimed by the applicant.

### ***Allowable Subject Matter***

5. Claims 6 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. Applicant argues claims 31 and 33 recite "a lower nest including ... an upper surface having a material-contacting area defined to substantially conform to a perimeter region of the first sheet material, said material-contacting area being laterally accessible..." which were not addressed by the examiner. The examiner does not agree. In the rejection, the examiner referred applicant to Fig. 7 of Foran which clearly shows the lower nest substantially conforming to the perimeter region of the sheet material and being laterally accessible in the manner claimed by the applicant. Therefore applicant's argument is believed to be incorrect in this instance.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Telephone/Fax***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phil Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sells/  
Primary Examiner, Art Unit 1791